

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

DORMOUTH CARLTON,

Petitioner,

Case # 21-CV-6547-FPG

v.

DECISION AND ORDER

JEFFREY SEARLS, *Facility Director*
Buffalo Federal Detention Facility,

Respondent.

Pro se Petitioner Dormouth Carlton filed this application for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 against Respondent on August 23, 2021. ECF No. 1. On September 16, 2021, Respondent filed a Motion to Dismiss the Petition arguing that Carlton's petition was rendered moot by Carlton's release from DHS's custody pursuant to a Warrant of Removal/Deportation. ECF No. 4; ECF No. 4-1 ¶ 3 (stating that Carlton was released from custody on September 9, 2021 when he was removed from the United States); ECF No. 4-2 (Warrant of Removal/Deportation).

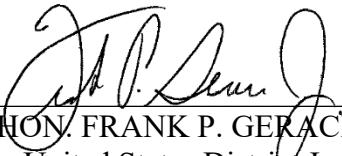
“Article III, § 2, of the Constitution extends the ‘judicial Power’ of the United States only to ‘Cases’ and ‘Controversies.’” *Steel Co. v. Citizens for a Better Env’t*, 523 U.S. 83, 102 (1998). Accordingly, this Court has “an obligation to assure [itself] of litigants’ standing under Article III.” *DaimlerChrysler Corp. v. Cuno*, 547 U.S. 332, 340 (2006) (internal quotation marks omitted). A plaintiff must “have suffered (1) a concrete, particularized, and actual or imminent injury-in-fact (2) that is traceable to defendant’s conduct and (3) likely to be redressed by a favorable decision.” *Amidax Trading Grp. v. S.W.I.F.T. SCRL*, 671 F.3d 140, 145 (2d Cir. 2011) (internal quotation marks omitted).

Here, Carlton's claims relate to his continued confinement by DHS, but he has now been released from DHS custody. *See* ECF Nos. 1, 4-1, 4-2. His claims are now moot. *Placido Pelaez v. Barr*, No. 19-CV-6652, 2020 WL 95427, at *2 (W.D.N.Y. Jan. 8, 2020) (“Where . . . the relief sought in the Petition—release from custody—has been granted, the Petition no longer presents a live case or controversy within the meaning of Article III, § 3 of the Constitution.”). Simply put, Carlton is no longer suffering from an injury that is likely to be redressed by a favorable decision of this Court because he is no longer in DHS’s custody.

Accordingly, the Respondent’s Motion to Dismiss, ECF No. 4, is GRANTED and this matter is dismissed as moot. The Clerk of Court is directed to enter judgment and close this case.

IT IS SO ORDERED.

Dated: December 13, 2021
Rochester, New York



HON. FRANK P. GERACI, JR.
United States District Judge
Western District of New York